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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

OMAR C.,

Petitioner,

v.

THE SUPERIOR COURT OF KERN COUNTY,

Respondent;

KERN COUNTY DEPARTMENT OF HUMAN  
SERVICES,

Real Party in Interest.

F069858

(Super. Ct. No. JD131248-00)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Gerard Walbaum, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)

Omar C., in pro. per., for Petitioner.

No appearance for Respondent.

Theresa A. Goldner, County Counsel, and Thomas Morgan, Deputy County Counsel, for Real Party in Interest.

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\* Before Levy, Acting P.J., Gomes, J. and Peña, J.

Petitioner Omar C., in propria persona, seeks extraordinary writ relief from the juvenile court's order issued July 29, 2014, setting a Welfare and Institutions Code section 366.26<sup>1</sup> hearing as to his one-year-old daughter, K.W. (Cal. Rules of Court, rule 8.452.) Omar contends the juvenile court's order was erroneous because he had nothing to do with K.W.'s removal. Omar asks this court to issue a writ directing the juvenile court to vacate the section 366.26 hearing and to order reunification services and visitation for him.

We conclude Omar failed to raise a claim of juvenile court error. Consequently, we dismiss the petition as inadequate for our review.

### **PROCEDURAL AND FACTUAL SUMMARY**

In August 2013, the police executed a search warrant at a motel room where Alaina (K.W.'s mother), then five-month-old K.W., and Alaina's boyfriend were staying after Alaina sold drugs to an undercover police officer. Police found hypodermic needles and an unsheathed machete on the floor. Alaina and her boyfriend admitted using methamphetamine intravenously.

Alaina was arrested and K.W. was taken into protective custody by the Kern County Department of Human Services (department) and placed into foster care. Omar was a defendant in a jury trial, charged with multiple felony counts, including attempted murder.

The juvenile court ordered K.W. detained, adjudged her its dependent, and deemed Omar her biological father.

In January 2014, the juvenile court conducted the dispositional hearing. By that time, Omar had been convicted and sentenced to 29 years in state prison.<sup>2</sup> The juvenile

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

<sup>2</sup> Omar's appeal from the conviction is pending before this court (F068294).

court ordered six months of reunification services for Alaina and denied Omar reunification services on multiple statutory grounds.

In July 2014, the juvenile court conducted the six-month review hearing. By that time, K.W. had been placed with a maternal relative. The juvenile court terminated Alaina's reunification services for failure to comply, and set a section 366.26 hearing to select a permanent plan for K.W. This petition ensued.<sup>3</sup>

## **DISCUSSION**

### ***Inadequate Petition***

The purpose of writ proceedings such as these is to facilitate review of a juvenile court's order setting a section 366.26 hearing to select and implement a permanent plan for a dependent child. (Cal. Rules of Court, rule 8.450(a).) A court's decision is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to a petitioner to raise specific issues and substantively address them. (§ 366.26, subd. (I).) This court will not independently review the record for possible error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

Omar does not argue the juvenile court erred in setting the section 366.26 hearing. He merely states he was not responsible for K.W.'s removal from Alaina. According to the dependency petition, which the juvenile court sustained, however, Alaina and Omar were both responsible for K.W.'s removal; Alaina because of her drug use and Omar because of his incarceration. However, since the juvenile court can take control of a child based on the conduct of one parent, it does not matter whether Omar had custody when K.W. was removed. Further, since Omar did not challenge the juvenile court's dispositional orders removing K.W. from parental custody and denying him reunification services, on appeal any potential legal arguments he may have had were forfeited. Consequently, the juvenile court's focus at the six-month review hearing was whether to

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<sup>3</sup> Alaina did not file a writ petition.

grant Alaina more time to reunify. The court chose not to continue services for her, leaving it no choice but to set a permanency planning hearing for K.W.

Since Omar has failed to explain how the juvenile court's order setting a section 366.26 hearing as to K.W. is error, we dismiss his writ petition as inadequate.

#### **DISPOSITION**

The petition for extraordinary writ is dismissed. This opinion is immediately final as to this court.